

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1999-217-C - ORDER NO. 2000-021  
JANUARY 5, 2000

IN RE: Petition of Bluffton Telephone Company, Inc. ) ORDER  
and Hargray Telephone Company, Inc. to ) GRANTING  
Preserve their Rural Exemption as Permitted ) WITHDRAWALS  
under 47 U.S.C. Section 25(F)(1). )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the requests of Hargray Telephone Company (Hargray) and Bluffton Telephone Company (Bluffton) to withdraw their Petitions to preserve their rural telephone company exemptions pursuant to Section 251 (f)(1) of the Telecommunications Act of 1996 (the Act), 47 U.S.C. Section 251 (f)(1). The Commission has previously granted both Hargray's and Bluffton's voluntary limited waiver of their right to be exempt from the duty to make services available for resale at wholesale rates, pursuant to Order No. 1999-396.

On August 24, 1999, both Hargray and Bluffton received a request from Resort Hospitality Services, Ltd., d/b/a RHS Communications, Inc. (RHS) for interconnection, services, and network elements. The letters stated that "RHS intends to purchase unbundled network elements from Hargray at cost-based rates, and to interconnect its own facilities with those of Hargray and Bluffton." By letters dated September 23, 1999, both Hargray and Bluffton informed the Commission that they intended to preserve their right under Section 251(f)(1) to be exempt from other duties imposed by Section 251(c)

of the Act. By their letters, both Hargray and Bluffton now withdraw their Petitions to preserve their rights under 251(f)(1) to be exempt from the other duties imposed by Section 251(c) with respect to RHS Communications' bona fide request.

Both Hargray and Bluffton deny any duty to negotiate with RHS for services other than resale at this time, since they have been operating under the rural exemption. However, both companies state that they intend to begin negotiating with RHS once the Commission has issued its Order lifting Hargray's and Bluffton's automatic rural exemption under Section 251(f)(1) of the Act. As we have previously stated, the time for a party to request arbitration under Section 251(b)(1) will not begin to run until the rural exemptions are terminated by the Commission.

Both Hargray and Bluffton note that they intend to negotiate in good faith with RHS, but that they reserve the right to assert any appropriate suspensions and modifications to which they may be entitled pursuant to Section 251(f)(2) of the Act, as issues arise during the course of the negotiations. We agree that it is their right to do so.

In any event, we hereby grant withdrawal of the Petitions of both Hargray and Bluffton to preserve the rural telephone company exemptions pursuant to Section 251(f)(1) of the Telecommunications Act of 1996. We also terminate both companies'

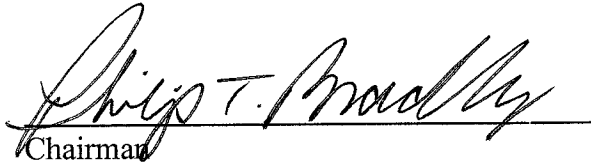
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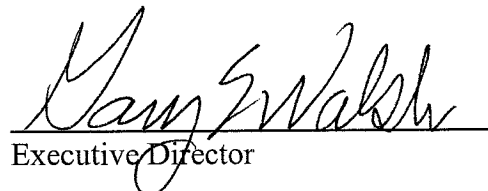
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rural exemption. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)